

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FELIX DeJESUS,

Plaintiff,

v.

9:06-CV-0074  
(TJM/GHL)

SERGEANT LaCLAIR, *et al.*,

Defendants.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

This pro se action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation dated July 24, 2008 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation for the reasons stated therein.

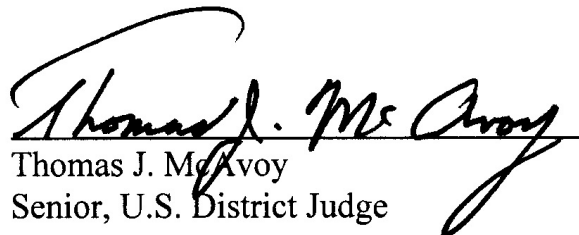
It is therefore,

**ORDERED** that Defendants' motion to dismiss pursuant to Fed. R. Civ. P. 41(b) (Dkt. # 43) is **GRANTED** to the extent that it seeks the dismissal of Plaintiff's claims against Defendant John Doe #1, Defendant John Doe #2, Defendant Jenne Doe,

Defendant Sergeant LaClair, Defendant Correction Officer Schule, and Defendant Correction Officer K. Ral, but that Defendants' motion is otherwise **DENIED**.

**IT IS SO ORDERED**

DATED: September 11, 2008

  
Thomas J. McAvoy  
Senior, U.S. District Judge